

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Andre Juste, #078-361-619,)	C/A No. 4:16-2974-MGL-TER
)	
Plaintiff,)	
vs.)	
)	ORDER
Columbia Regional Care Center,)	
Correct Care Solutions,)	
Dr. Vernelle Fogle,)	
Dr. Cynthia McFadden,)	
Brice McCleave,)	
Ronald Lawrence,)	
Rose,)	
Nancy Crawford,)	
Individuals, Medical Staff, Nurses, Volunteers,)	
)	
Individuals, Medical Staff, Security Custody Officers)	
Staff,)	
)	
Patients, Individual Patients,)	
South Carolina Law Enforcement Division,)	
U.S. Department of Justice,)	
Federal Bureau of Prisons,)	
Director of Accreditation on National Commission on)	
Correctional Health,)	
Secretary of Health and Human Services,)	
Food and Drug Administration,)	
U.S. Department of Health and Human Services,)	
Georgia Department of Corrections,)	
Individual Patients,)	
C.D.C.,)	
U.S. Immigration and Customs Enforcement,)	
Department of Homeland Security,)	
)	
Defendants.)	

This is a civil rights action filed by a *pro se* immigration detainee.¹ Therefore, in the event

¹ In the past, this court has treated Plaintiff under General Order, *In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, 3:07mc-5015-JFA (D.S.C. Sept. 18, 2007), due to a lack of information as to whether Plaintiff's detainment by I.C.E. was due to improper entry(criminal) or unlawful presence(civil). *See* 8 U.S.C. §§ 1324d, 1325. The court now has information that Plaintiff is being detained criminally due to entering unlawfully in the 1990s,

that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By Order dated December 7, 2016, Plaintiff was given a specific time frame in which to bring this case into proper form. Plaintiff has substantially complied with the court's Order, and this case can be considered to be in proper form.

PAYMENT OF THE FILING FEE:

Plaintiff's Motion for Leave to Proceed *in forma pauperis* was granted by prior order of this court on September 29, 2016. By filing this case, Plaintiff has incurred a debt to the United States of America in the amount of \$350.** See 28 U.S.C. § 1914. This debt is not dischargeable in the event Plaintiff seeks relief under the bankruptcy provisions of the United States Code. See 11 U.S.C. § 523(a)(17). The Prison Litigation Reform Act (PLRA) of 1996 permits a prisoner to file a civil action without prepayment of fees or security, but requires the prisoner "to pay the full amount of the filing fee" as funds are available. See 28 U.S.C. § 1915(a) and (b). As the court has granted Plaintiff permission to proceed *in forma pauperis*, **the agency having custody of Plaintiff shall collect payments from Plaintiff's prisoner trust account in accordance with 28 U.S.C. § 1915(b)(1) and (2), until the full \$350 filing fee is paid.**

TO THE CLERK OF COURT:

This case is subject to summary dismissal based on an initial screening conducted pursuant to 28 U.S.C. § 1915 and/or 28 U.S.C. § 1915A. Therefore, the Clerk of Court shall ***not*** issue any summonses nor shall the Clerk of Court forward this matter to the United States Marshal for service of process at this time.

The Clerk of Court shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff unless that person is an attorney admitted to practice before this court who has entered a formal appearance.

and subsequently committing the criminal offense of robbery. See 4:16-cv-03832-MGL-TER, ECF No. 1.

** Effective May 1, 2013, an administrative fee of \$50 was added to the filing fee of \$350. The \$50 administrative fee, however, is not applicable to *in forma pauperis* cases.

TO PLAINTIFF:

Plaintiff must place the civil action number listed above on any document provided to the court pursuant to this Order. **Any future filings in this case must be sent to ((Post Office Box 2317, Florence, South Carolina 29503) the address below.** All documents requiring Plaintiff's signature shall be signed with Plaintiff's full legal name written in Plaintiff's own handwriting. Pro se litigants shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this court, Plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

Plaintiff is a pro se litigant. Plaintiff's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing (Post Office Box 2317, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

IT IS SO ORDERED.

February 3, 2017
Florence, South Carolina

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge